

July 26, 2012

BY ELECTRONIC FILING

Marlene H. Dortch, Secretary Federal Communications Commission 445 Twelfth Street, S.W. Washington, DC 20554

Re: Applications of Cellco Partnership d/b/a/ Verizon Wireless, SpectrumCo, LLC, and Cox TMI Wireless, LLC for Consent to Assign Wireless Licenses WT Docket No. 12-4

Dear Ms. Dortch:

On July 24, Debbie Goldman, Telecommunications Policy Director of the Communications Workers of America ("CWA") met with Paul Murray and Holly Saurer, acting legal advisors to Commissioner Jessica Rosenworcel to discuss the above-captioned proceeding.

Ms. Goldman explained that the cross-marketing agreements and Joint Operating Entity that are integral parts of this Transaction, represent a cartel-in-the-making, and will lead to substantial public interest harm, including reduced broadband and video competition, less investment in network deployment, job loss, and, with less competitive pressure on pricing and service quality, more expensive bundles of cable channels and more costly, slower broadband service.

Ms. Goldman provided a hand-out to Mr. Murray and Ms. Saurer, "Verizon/Cable Deal: Slamming the Door on Our High Speed Future." A copy of this hand-out was previously filed with the Commission on July 24, 2012. The information in the hand-out is based, in large part, on CWA analysis of the confidential and highly confidential documents provided by the Applicants in this proceeding. These documents provide overwhelming evidence to support the following conclusions:

- 1. The FCC must address all aspects of the proposed Transaction, which, taken together, pose significant public interest harm.
- 2. The cross-marketing agreements and Joint Operating Entity ("JOE") create a communications cartel with the market power to set prices, service levels, and

determine the pace and direction of innovation.

- 3. The Transaction eliminates cross-platform competition, particularly in the Verizon landline footprint. The Transaction will lead to FiOS decline and an end to FiOS expansion, and the loss of approximately 72,000 jobs.
- 4. The Transaction makes it nearly impossible for the nation to achieve the National Broadband Plan's goal of 100 million households with broadband access at speeds of 50 Mbps downstream/20 Mbps upstream by 2015.
- 5. The Transaction raises numerous antitrust concerns. The cross-marketing agreements restrain competition; the most-favored-nation provisions enforce the cartel; and IP exclusivity ensures that no other companies will be able to compete in a quad play.
- 6. Modest remedies are available to protect the public interest. These include
 - a. Prohibit cross-marketing arrangements in the Verizon landline footprint.
 - b. Require meaningful commitments in the JOE that would allow any competitor access to intellectual property necessary to compete so long as they are willing to purchase licenses under reasonable and non-discriminatory terms.
 - c. Consistent with past transactions, require Verizon to continue to offer FiOS broadband Internet service and expand in-region deployment to cover at least 95 percent of residential living units and households within the Verizon in-region territory, and ensure that a certain percentage of incremental deployment after the Transaction Closing will be to rural areas and low-income living units, with timetables, data reporting, and penalties for non-compliance.
 - d. Eliminate anti-competitive most-favored-nation provisions

Sincerely,

Debbie Goldman

Communications Workers of America

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cc: Paul Murray, Holly Saurer